

ORDINANCE NO. 21-390

AN ORDINANCE AMENDING THE DUCHESNE COUNTY ZONING ORDINANCE REGULATIONS FOR LARGE CONCENTRATED ANIMAL FEEDING OPERATIONS

WHEREAS, the Utah State Legislature has enacted the Large Concentrated Animal Feeding Operations Act (herein “Large CAFO Act”) codified as Utah Code Sections 17-27a-1101 *et seq.*; and

WHEREAS, said Large CAFO Act requires the County to, by February 1, 2022, adopt a large concentrated animal feeding operations land use ordinance designating geographic areas with the County where such operations may be approved; and

WHEREAS, the County Commissioners have considered the criteria required by said Large CAFO Act, as follows:

A. Distances measured in feet from:

1. Residential zones;
2. Hospitals and health care facilities;
3. Public uses;
4. Public or Private Educational facilities;
5. Place of religious assembly;
6. Commercial uses;
7. Municipal boundaries;
8. State highways and County Class B roads;

B. Prevailing winds;

C. Topography;

D. Economic benefits to the County;

E. Reasonable access to transportation, water and power infrastructure; and

WHEREAS, the County Commissioners have received public comments and a recommendation from the County Planning Commission, which conducted public hearings on December 1, 2021 and January 5, 2022 and received input from the Utah Department of Agriculture and Food and a local working group consisting of farmers, ranchers, the county extension agent and NRCS; and

WHEREAS, the County Commissioners have not considered solely uniform setback distance requirements from the locations described above, but have determined the geographic area by evaluating all of the criteria described above; and

WHEREAS, the County Commissioners, having considered all of the evidence provided regarding these criteria; finding it necessary to comply with the Large CAFO Act and to provide for the health, general welfare and safety of the inhabitants of Duchesne County;

NOW THEREFORE; BE IT HEREBY ORDAINED AS FOLLOWS:

SECTION 1. Section 8-2-1 of the Duchesne County Zoning Ordinance (Terms Defined) is amended as follows:

ANIMAL FEEDING OPERATION: A lot or facility where the following conditions are met: (a) animals have been, are or will be stabled or confined and fed or maintained for a total of 45 or more days in any twelve (12) month period; and (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

~~CONCENTRATED ANIMAL FEEDING OPERATION:~~ A lot or facility as defined by the administrative rules of the state of Utah, and subject to the Utah pollutant discharge elimination system (UPDES).

LARGE CONCENTRATED ANIMAL FEEDING OPERATION: An animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

- (a) 700 mature dairy cows, whether milked or dry;**
- (b) 1,000 veal calves;**
- (c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;**
- (d) 2,500 swine each weighing 55 pounds or more;**
- (e) 10,000 swine each weighing less than 55 pounds;**
- (f) 500 horses;**
- (g) 10,000 sheep or lambs;**
- (h) 55,000 turkeys;**
- (i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;**
- (j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;**
- (k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;**
- (l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or**
- (m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.**

SECTION 2. Section 8-6-1 of the Duchesne County Zoning Ordinance (Table of Uses) is amended as follows:

<u>Large</u> Concentrated animal feeding operations (CAFO), provided they are a minimum of 10,000 feet from incorporated towns, platted subdivisions, public or private water wells, public springs, and public water intakes and 1,000 feet from property lines <u>(allowed in Large Concentrated Animal Feeding Operations Overlay Zone - see Section 8-9-18).</u>	CU	X	X	X	X	X
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SECTION 3. The Duchesne County Zoning Map is amended to include the Large Concentrated Animal Feeding Operations Overlay Zone as depicted on Exhibit A attached hereto and incorporated herein.

SECTION 4. Chapter 9 of the Duchesne County Zoning Ordinance (Supplementary Regulations) is amended to include a new Section 8-9-18 as follows:

Section 8-9-18. Large Concentrated Animal Feeding Operations Overlay Zone.

- A. New Large Concentrated Animal Feeding Operations are permitted as a Conditional Use only within the Large Concentrated Animal Feeding Operations Overlay Zone. New Large Concentrated Animal Feeding Operations are not permitted on A-10 and A-5 zoned lands located outside of the overlay zone boundaries.**
- B. Applications for Conditional Use Permits to operate new Large Concentrated Animal Feeding Operations within the Large Concentrated Animal Feeding Operations Overlay Zone shall be processed in accordance with Chapter 13 of this Ordinance. Applicants shall comply not only with the Conditional Use Permit criteria; but also, with any state and federal requirements enacted to protect surface water, groundwater or other resources. New Large Concentrated Animal Feeding Operations shall develop a Comprehensive Nutrient Management Plan (approved by Duchesne County, the Natural Resource Conservation Service [NRCS] and the Utah Department of Agriculture and Food [UDAF]).**
- C. Notwithstanding the provisions of Section 8-4-12 of this Ordinance, an existing Large Concentrated Animal Feeding Operation located outside of the overlay zone boundary shall be allowed to expand (in acreage covered and in animal numbers).**
- D. Notwithstanding the provisions of Section 8-9-18 (A & B) of this Ordinance, the expansion (in acreage covered and in animal numbers) of an Animal Feeding Operation existing as of the date of this Ordinance to a Large Concentrated Animal Feeding Operation shall be allowed in A-5 and A-10 zones, outside of the Large Concentrated Animal Feeding Operations Overlay Zone, provided that:**
 - 1. A Comprehensive Nutrient Management Plan has been approved;**
 - 2. All state and federal regulations have been met.**
- E. A change in ownership or operator of a Large Concentrated Animal Feeding Operation shall not affect the land use status of the Operation, provided that the new owner or operator continues to comply with all state and federal agency operational requirements.**

SECTION 5. Effective Date. This ordinance shall become effective fifteen (15) days after publication.

DATED this ____ day of _____, 202_.

DUCHESNE COUNTY COMMISSIONERS:

ATTEST:

JoAnn Evans
County Clerk\Auditor

Greg Todd, Chairman

Irene Hansen, Commissioner

Greg Miles, Commissioner